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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 09/731,170 | 12/06/2000 | Shoichiro Usui | USUI-12N | 9121 |
| 1218 | 7590 | 11/19/2003 | EXAMINER | |
| CASELLA & HESPOS 274 MADISON AVENUE NEW YORK, NY 10016 | | | LUGO, CARLOS | |
| | | ART UNIT | | PAPER NUMBER |
| | | | | 3677 |

DATE MAILED: 11/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary | Application No. | Applicant(s) |
|------------------------------|-----------------|-----------------|
| | 09/731,170 | USUI, SHOICHIRO |
| Examiner | Art Unit | |
| Carlos Lugo | 3677 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 08 September 2003.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 5-14 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) Claim(s) _____ is/are allowed.
6) Claim(s) 5-14 is/are rejected.
7) Claim(s) _____ is/are objected to.
8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 06 December 2000 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) The translation of the foreign language provisional application has been received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s). ____ .
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) Notice of Informal Patent Application (PTO-152)
3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ . 6) Other: ____ .

DETAILED ACTION

1. This Office Action is in response to applicant's appeal brief filed on September 8, 2003.

Drawings

2. The examiner approved the proposed drawing correction filed on April 14, 2002. Therefore, new corrected drawings are required in this application.

Applicant is advised to employ the services of a competent patent draftsperson outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. **Claims 5,7-9 and 11-14 are rejected** under 35 U.S.C. 103(a) as being unpatentable over US Pat No 5,058,935 to Eidsmore in view of US Pat No 4,469,356 to Duret et al (Duret).

Regarding claims 5 and 11, Eidsmore discloses a high-pressure pipe assembly comprising a metal pipe (12) having opposed first and second ends.

A connecting head (22), adjacent the first end, having a seat surface (26) flared outwardly from the first end and a cylindrical surface (Figure 2, where 22 is pointing) extending from the seat surface away from the first end. The cylindrical surface has a selected outside diameter.

A cylindrical body (20) extends from the connecting head toward the second end. The body has an outside diameter less than the selected diameter of the cylindrical surface. A centrally passage (24) extends through the metal pipe from the first to the second end. The passage defines an annular groove spaced from the first end.

The assembly further includes a unitary sleeve washer (70) that has opposing first and second ends. A portion of the sleeve extends from the first towards the second end. The sleeve engages and surrounds at least a portion of the cylindrical surface of the connecting head (Figure 2).

However, Eidsmore fails to disclose that the passage defines an annular groove spaced from the first end.

Duret teaches that is known in the art to have a passage defining an annular groove spaced from a first end of a pipe (Figures 3 and 6). The passage has a first cylindrical portion between the annular groove and the first end and a second cylindrical portion between the annular groove and the second end. The first and second cylindrical portions defines an inside diameter less than of the annular groove.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have an annular groove, as taught by Duret, into a

connection as described by Eidsmore, in order to obtain a light and inexpensive connector.

As to claims 7 and 8, Eidsmore discloses that the seat surface can comprises an spherically generated surface (40 at Figure 5) or a planar end face (26 at Figure 2) at the first end and a flared surface extending outwardly from the planar end face.

As to claim 9, Eidsmore discloses that the connecting head includes a radially aligned annular surface extending between the connecting head and the cylindrical body (at 22 in Figure 2).

As to claims 12-14, Eidsmore illustrates that the outside diameter of the cylindrical surface is between 10-45% larger than the outside diameter of the cylindrical body.

5. **Claims 6 and 10 are rejected** under 35 U.S.C. 103(a) as being unpatentable over US Pat No 5,058,935 to Eidsmore in view of US Pat No 4,469,356 to Duret et al (Duret) and further in view of US Pat No 4,029,345 to Romanelli.

Regarding claims 6 and 10, Eidsmore, as modified by Duret, fails to disclose that the seat surface comprises a conical generated surface and that the connecting head includes a conical generated surface extending between the connecting head and the cylindrical body.

Romanelli teaches that is known in the art to have a seat surface comprising a conical generated surface and that the connecting head includes a conical generated surface.

A change in the shape of a prior art device is a design consideration within the level of skill of one skilled in the art. In re Dailey, 357 F.2d 669, 149 USPQ 47 (CCPA 1966).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to change the shape of the seat surface and the conical head, as taught by Romanelli, into the device as described by Eidsmore, as modified by Duret, because is only a change in the shape will not affect the interaction of the connection.

Response to Arguments

6. Applicant's arguments, see Appeal Brief, filed on September 8, 2003, with respect to the rejection(s) of claim(s) 5-14 under 35 U.S.C. 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Eidsmore, as modified by Duret and in view of Eidsmore, as modified by Duret and Romanelli (See rejection above)

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carlos Lugo whose telephone number is 703-305-9747. The examiner can normally be reached on 9-6pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Swann can be reached on 703-306-4115. The fax phone number

for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-5771.

Carlos Lugo
Examiner
Art Unit 3677

November 12, 2003.



J. J. SWANN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600